

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re: Adam Joseph Biggs) Case No: 19-32926
Vicky Leah Biggs) Chapter 13

OBJECTION TO CONFIRMATION

COMES NOW, Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, and moves this Court to deny confirmation of the Chapter 13 Plan filed on June 13, 2019, for the cause as follows:

1. The Debtor filed this Chapter 13 Petition on May 31, 2019 under 11 U.S.C. Chapter 13, now pending in the United States Bankruptcy Court, Eastern District of Virginia, Richmond Division.
2. This Objection is filed pursuant to 11 U.S.C. 1325 (b) (1) (B).
3. The above filed Chapter 13 Plan fails to provide that all of the debtor's projected disposable income in the applicable commitment period will be applied to the plan payments, shown by:
 - a. Upon information and belief, the Debtors understate income on Schedule I and 22C. The Trustee requests proof of all income received in the six months prior to filing. If there are any gaps in income, the Trustee requests an affidavit explaining any lack of income in the six month period.
 - b. The debtor fails to address secured claim 5 in the plan.
 - c. The Chapter 13 Trustee would suggest that all required income be paid into the Chapter 13 Plan.

WHEREFORE, for the reasons stated herein, the Chapter 13 Trustee, by Counsel, Susan H. Call, respectfully moves the Court to deny confirmation of the Debtors' proposed Chapter 13 Plan as filed with the Court, and for such further and other relief as in the premises may seem just.

Date: July 10, 2019

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee

Certificate of Service

I hereby certify that on July 10, 2019, I have mailed or hand-delivered a true copy of the foregoing Objection to Confirmation to the debtor(s), Adam Joseph and Vicky Leah Biggs, 28 Cannon Ln, Bracey, VA 23919 and electronically sent to debtor's attorney, Suad Bektic, Esquire, sbektic@newdaylegal.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates, Chapter 13 Trustee

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Debtor Address 28 Cannon Lane
Bracey, VA 23919

Last four digits of Social Security No(s): 2113
1054

NOTICE OF OBJECTION TO CONFIRMATION

Susan H. Call, Counsel for Carl M. Bates the Chapter 13 Trustee, has filed papers with the Court objecting to confirmation of your Chapter 13 Plan, which was filed in this case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to grant the relief sought in the Objection, or if you want the Court to consider your views on the Objection, then on or before three (3) days before the date of the hearing, you or your attorney must:

 X File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 East Broad Street, Suite 4000
Richmond, VA 23219

You must also mail a copy to:

Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218

_____ Attend a hearing to be scheduled at a later date. You will receive separate notice of hearing. **If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.**

 X Attend the hearing on the objection scheduled to be held on **July 31, 2019** at **11:10 am** at United States Bankruptcy Court, **701 East Broad Street, Richmond, VA 23219, Room 5000.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the objection and may enter an order granting that relief.

Date: July 10, 2019

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee
P.O. Box 1819
Richmond, VA 23218-1819
VSBN 34367

Certificate of Service

I hereby certify that on July 10, 2019, I have mailed or hand-delivered a true copy of the foregoing Notice of Objection to Confirmation to the debtor(s) Adam Joseph and Vicky Leah Biggs, 28 Cannon Ln, Bracey, VA 23919 and electronically sent to debtor's attorney, Suad Bektic, Esquire, sbektic@newdaylegal.com.

/s/Susan H. Call
Susan H. Call, Counsel for
Carl M. Bates
Chapter 13 Trustee